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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,265	04/02/2001	John Higginson	004470.P012X	2084

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EXAMINER

PEREZ DAPLE, AARON C

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/26/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,265

Applicant(s)

HIGGINSON ET AL.

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/18/01, 5/4/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This Action is in response to Application filed 4/2/01, which has been fully considered.
2. Claims 1-23 are presented for examination.
3. This Action is non-Final.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Herrod et al. (US 6,405,049 B2) (hereinafter Herrod).

6. As for claims 1 and 23, Herrod discloses a method of transmitting data over a network, the method comprising:

activating a sensor in an electronic device (a sensor is inherent for detecting insertion of the terminal; col. 6, lines 30-38);

in response to the activation of the sensor, establishing a data connection between the electronic device and a cradle (col. 6, lines 11-16; col. 6, lines 30-38);

downloading data from the electronic device to the cradle (col. 6, lines 30-38);
and

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transmitting the data from the cradle to a network server (col. 7, lines 11-16; col. 8, lines 52-65).

7. As for claim 11, Herrod discloses a system comprising:
a cradle to transmit data to a network server (cradle 12, Fig. 2a); and
an electronic device (terminal 10, Fig. 2a), coupled to the cradle, the electronic device including a sensor (a sensor is inherent for detecting insertion of the terminal) to trigger a data connection between the electronic device and the cradle, and a transmitter (remote link 22 and cradle interface 28, Fig. 2a) to download the data to the cradle (col. 6, lines 30-38).
8. As for claims 2 and 12, Herrod teaches the method of claim 1 wherein the data connection is an infrared connection and the sensor is a magnetic read switch (col. 6, lines 11-16; col. 11, lines 27-47).
9. As for claims 3 and 13, Herrod teaches the method and system of claims 1 and 11 wherein the sensor is activated when the electronic device is placed into the cradle (col. 6, lines 30-38).
10. As for claims 4 and 14, Herrod teaches the method and system of claims 1 and 11 further comprising terminating the data connection between the electronic device and the cradle when the downloading is completed (col. 19, lines 14-29).
11. As for claims 5 and 15, Herrod teaches the method and system of claims 1 and 11 wherein the data is personal data of a user of the electronic device (col. 19, lines 14-29).
12. As for claims 6 and 16, Herrod teaches the method and system of claims 1 and 11 further comprising presenting the data to a user on a web site (col. 19, lines 30-65).

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13. As for claims 7 and 17, Herrod teaches the method and system of claims 6 and 16 wherein the web site is a personal web site of the user or a company web site accessible by the user (col. 19, lines 30-65).
14. As for claims 8 and 18, Herrod teaches the method and system of claims 1 and 11 wherein the electronic device is a personal data capture device (col. 19, lines 14-29).
15. As for claim 9, Herrod teaches the method of claim 1 wherein the data is transmitted to the network server using a wireless transmitter via a wireless carrier (col. 3, lines 32-61).
16. As for claims 10 and 22, Herrod teaches the method and system of claims 1 and 11 wherein the data is transmitted to the network server using a modem via a wide area network (col. 7, lines 6-10).
17. As for claim 19, Herrod teaches the system of claim 11 wherein the cradle includes a receiver to receive the data from the electronic device (remote link 22 and cradle interface 28, Fig. 2a).
18. As for claim 20, Herrod teaches the system of claim 19 wherein the receiver is an infrared receiver (col. 6, lines 11-16).
19. As for claim 21, Herrod teaches the system of claim 11 wherein the cradle includes a wireless transmitter to transmit the data to the network server via a wireless carrier (col. 3, lines 32-61).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US 6,747,692 B2, note abstract;


US 6,167,255, note Figs. 1 and 2;

US 5,410,326, note portable data terminal.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (703) 305-4897. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8/20/07
Aaron Perez-Daple

